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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,089	02/25/2004	Laurent Huet	713-1044	8536
22429	7590	01/24/2006		
		LOWE HAUPTMAN GILMAN AND BERNER, LLP	EXAMINER	
		1700 DIAGONAL ROAD		BOSWELL, CHRISTOPHER J
		SUITE 300 /310	ART UNIT	PAPER NUMBER
		ALEXANDRIA, VA 22314		3676

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/785,089	HUET ET AL.	
	Examiner	Art Unit	
	Christopher Boswell	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 November 2005.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4-8,11-15,18,19 and 21-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 4 is/are allowed.
 6) Claim(s) 1,5-8,11-15,18 and 23-25 is/are rejected.
 7) Claim(s) 19,21,22 and 26-28 is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 24 February 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-8, 11-15, 18, and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by French Patent Number 2,622,244 to Arakawa et al.

Arakawa et al. disclose a locking device (1) having a case (2) open at one of its ends, a sliding member (4) engaged in the case (figure 2) and moveable with respect to the case in a sliding direction, the sliding member comprising a body (20) and two opposed elastic claws (21) which, when not urged, are maintained apart from each other, wherein the device has a locked position when the sliding member is inserted in the case with two opposed faces of the case holding the two claws brought towards each other (figure 3), and a release position with two opposed faces of the case freeing the claws (figure 2), a spring (5) being arranged between the body of the sliding member and the case, and urging the sliding member towards the release position, wherein the case comprises a work face (figures 19-22) provided with an elastic leg (7) moveable in the plane of the work face, the elastic leg being provided with a follower (27) projecting towards an interior of the case, and the sliding member comprises, a planar cam surface (6) from which projects, towards the work face, a central island (22) about which is formed a cam track (figure 13) for the follower, wherein the follower, with respect to the island,

being in a captive position when the device is in the locked position and in a free position when the device is in the release position, and on the first push, the follower passing from the free position to the captive position by a first path on the cam track and, on the second push, the follower passing from the captive position to the free position by a second path distinct from the first path, wherein the follower, while traveling on the first and second paths, moves in the plane of the work face from one of the two opposed faces of the cases towards the other (figures 19-22), where the leg and the follower are integral parts of the case (the leg and the follower function as an integral element in latching and unlatching movement), as in claim 1.

Arakawa et al. also disclose the follower having a cross section which is taken in a plane parallel to the plane of the work face and comprises a straight side (figure 16 and 20), as in claim 5, as well as the cam track is defined by two lateral walls (walls on either side of the sliding member as shown in figure 9) substantially parallel to the direction of sliding, as well as by a peninsula (the peninsula across the cam track from the central island as shown in figure 13) facing the central island, and being situated at the connection of the elastic claws to the body of the sliding member (figure 13), the lateral walls and the peninsula projecting from the cam surface towards the work face (figures 1 and 10), as in claim 6, wherein the central island comprises a first edge (figure 13), parallel to the direction of sliding, a second edge (22a) extending obliquely from one end of the first edge, the first and second edges furthermore being connected by a third, curved edge (22b) bowed towards the inside of the central island, as in claim 7.

Arakawa et al. further disclose the peninsula has two edges forming a point directed towards the central island (figure 13), one of the two edges being situated on the same side as the

second edge of the central island and being parallel to the direction of sliding, while the other of the two edges being situated on the same side as the first edge of the central island and being oblique (figure 13), as in claim 8, additionally the cam surface further comprises a non-return rib (rib between elements e and f) projecting from the surface (figure 13 and 14) towards the work face and arranged parallel to the direction of sliding, the non-return rib extending between the central island and the peninsula (figure 13), as in claim 11, wherein the non-return rib is a straight rib (the rib extends linearly) having a first end on the peninsula (via element C, figure 13) and a second end which is closer to the island than the first end and spaced from the central island by a gap (the space between the end of the rib and the central island at the bottom portion of element 22b, as shown in figure 13), as in claim 24, and where the lateral walls comprise a portion (the two ends that extend beyond the cam surface opposite of the claws as shown in figure 13) projecting beyond the opposite end of the sliding member from the claws and adapted to be inserted in an aperture (12) formed in the opposite face of the case from the opening, as in claim 15.

Arakawa et al. additionally disclose the case has a guide aperture (19) on one of its sides perpendicular to the opening, wherein the sliding member having a tooth (24) engaged in the guide aperture, as in claim 12, where the case comprises an engagement groove (groove at the bottom of the case as shown in figure 7) situated on the inner face of the side on which the guide aperture is formed, the engagement groove continuing on from the guide aperture to one end of the case and having a depth smaller than that of the guide aperture (the guide aperture extends through the bottom surface of the case, whereas the engagement groove extends partially through the bottom surface, as shown in figure 7), as in claim 13, where the tooth has a bevel (24'), as in

claim 14, wherein when the work face has, in the plane thereof an aperture (15) opening into the interior of the case and the elastic leg is moveable within the aperture (the leg is pivotal within the aperture via element 28), as in claim 25.

Arakawa et al. also disclose a locking assembly (1) operable by first and second pushes, with a case (2) open at one end and having an elastic leg (7) deformable in a plane of a work face of the case, the elastic leg having a follower (27) which projects toward an interior of the case and is moveable as the elastic leg deforms (the leg pivots, or deforms, as the follower moves within the case), and a sliding member (4) operatively positioned and moveable in a sliding direction in the case, the sliding member operatively urged away from the case, the sliding member having a body (20) having a cam surface (6) facing the work face of the case, the cam surface having a central island (22) projecting toward the work face and a cam track (figure 13) formed thereabout for the follower, the follower being in a captive position when the assembly is in a locked position and in a free position when the assembly is in a released position, and two opposed elastic claws (21) which when not urged are maintained apart from each other, wherein the two claws are brought toward each other when the assembly is in the locked position and the sliding member is inserted in the case (figure 3) and wherein the two claws are released when the assembly is in the released position (figure 2), and where the follower, while traveling on the first and second paths, moves, in the plane of the work face and relative to the case, a distance greater than a maximum width of the central island as measured in a direction transverse to the sliding direction (figures 13, 19 and 20), as in claim 18.

Allowable Subject Matter

Claim 4 is allowed.

Claims 19, 21-23 and 26-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The claims are allowable over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that of a locking assembly operable by first and second pushes, with a case and having an elastic leg, the elastic leg having a follower which projects toward an interior of the case, and a sliding member operatively positioned and moveable in a sliding direction in the case, the sliding member being urged away from the case, the sliding member having a body having a cam surface facing the work face of the case, the cam surface having a central island projecting toward the work face and a cam track formed thereabout for the follower, and two opposed elastic claws, as well as the elastic leg having two branches located in the plane of the work face and converging towards the follower from different portions of the work face.

Response to Arguments

Applicant's arguments filed November 9, 2005 have been fully considered but they are not persuasive. Regarding the argument that Arakawa does not disclose the leg and the follower are integral parts of the case, the examiner respectfully disagrees. The arrangement of the leg and the case of Arakawa function as an integral unit in performing the function of latching and

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releasing of given element. It has been held that integral mat be construed as a relatively broad and is not necessarily restricted to a one-piece article. *In re Kohno* (CCPA) 157 USPQ 275; *In re Dike* (CCPA) 157 USPQ 581.

Regarding the argument that Arakawa does not teach or suggest the follower has a cross-section which is taken in a plane parallel to the plane of the work face and comprises a straight side, the examiner respectfully disagrees. As clearly shown in figure 16, a cross-section taken in a plane parallel to the work face would result in a straight side on bottom portion of the cross-section, parallel to the work face.

Regarding the argument that Arakawa does not teach or suggest a non-return rib arranged parallel to the direction of sliding, as well as the non-return rib extending between the central island and the peninsula, the examiner respectfully disagrees. First, the non-return rib lays in the cam surface in a direction that is parallel to that of the sliding direction of the follower when the follower slides from area C to area D. Secondly, as shown in figure 13, the non-return rib is clearly positioned between the central island and the peninsula.

Regarding the argument that Arakawa does not teach or suggest that the return rib has a second end spaced from the central island by a gap, the examiner respectfully disagrees. As shown in figure 13, the rib terminates with a space between the rib and the central island. The rib ends near the line pointing to element 22b.

Regarding the argument that Arakawa does not teach or suggest that the work face has, in the plane thereof, an aperture opening into the interior of the case, and the elastic leg is moveable within the aperture, the examiner respectfully disagrees. Arakawa discloses an aperture that

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allows the post of the leg to extend therein, and pivot within the aforementioned aperture, figures 19-22.

Regarding the argument that Arakawa does not teach or suggest that the elastic leg is deformable, the examiner respectfully disagrees. As pointed out by the applicant, the leg of Arakawa is rotatable, wherein the leg is deformable from the rest position of the to the actuating positions, where the follower traces the cam surface.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB *CB*
January 17, 2006



Suzanne Dino Barrett
Primary Examiner